

In the United States District Court
For the District of Puerto Rico

The United States of America,

Plaintiff

vs.,

Luis Rafael Jerez-Otañez,

Defendant.

Criminal No.: 17-633 (JAG)

Sentencing Memorandum

To the Honorable Jay A. García Gregory

Comes now, Luis Rafael Jerez-Otañez, represented by the Federal Public Defender for the District of Puerto Rico, through the undersigned counsel and very respectfully submits the following information to be considered by this Court at the sentencing hearing scheduled for July 3, 2018 at 3:00PM.

“Every day, thousands of migrants pass through the U.S. southern border” of the continental United States.¹ Puerto Rico is a different type of border. This other border has no fence to divide it. There are no bridges to cross or checkpoints to be checked at. There is no desert to lose oneself in. The other border is a 60-mile stretch of ocean between the island of Hispaniola – shared by the Dominican Republic and Haiti – and the US Commonwealth of Puerto Rico, known as the Mona Passage.

Immigration is a hot topic these days. Not a day goes by that we do not hear in the news that undocumented immigrants show up at the US border attempting to enter – legally and illegally, families being separated, mothers and father arrested for illegally

¹ <https://www.usatoday.com/story/news/2018/06/25/immigrant-family-separation-why-flee-home-countries/729013002/>

entering and re-entering the United States. Why do they risk their lives and the possibility of being separated from family?

The answer will generally fall into the following categories: To escape violence; to escape poverty; to try for a chance at a better life and job opportunities; and/or to be with family who already lives in the United States.

Mr. Jerez-Otañez is one of those immigrants who came to the United States to be with family who already lives there. He came to be with his children Luis Angel, Génesis and Luis Rafael who live in Philadelphia, Pennsylvania. All three of them United States Citizens. Mr. Jerez-Otañez came to spend time with them and be a present father. He also came in search of better life and employment opportunities that would allow him to provide to all his children – the ones in the US and the ones in the Dominican Republic.

Mr. Jerez-Otañez knows it is illegal to come to the United States without the proper documentation and permissions. The chance to dramatically better his life and the lives of his loved ones, made the journey worth the high risk – as he gambled his life and he risked his liberty. He is aware of his mistake and repentant that he made the choice. A choice made out of desperation. He has learned his lesson. He has spent 6 months of his life imprisoned without the opportunity to see his family nor work to provide for them. He became the absentee father he does not want to be. He accomplished nothing. He has promised himself this will not happen again. At the end of the day, the risk was not worth it and not fair to his family.

Mr. Jerez-Otañez has been detained since his arrest on December 10, 2017. As of today, he has been imprisoned for 6 months and 2 weeks. His Criminal History

Category (“CHC”) is I and Total Offense Level (“TOL”) is 6. Taking into account Mr. Jerez-Otañez’s CHC and TOL, the United States Sentencing Guidelines recommend a term of imprisonment of 0 to 6 months. As of today, Mr. Jerez-Otañez has served a term of imprisonment over the higher end of the sentencing guideline recommendation.

Wherefore, it is requested that this Honorable Court take notice of the information contained in this memorandum and sentence Mr. Jerez-Otañez to TIME SERVED.

I hereby certify that on this date I electronically filed the present motion with the Clerk of the Court using the CM/ECF system, which will send electronic notification of said filing to all parties of record.

Respectfully submitted.

In San Juan, Puerto Rico, on June 26, 2018.

Eric A. Vos
Federal Public Defender
District of Puerto Rico

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